

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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In re:  
Alvin J. Johnson

Debtor.

Chapter 13 No. 16-41277

Hon. Phillip J. Shefferly

**MOTION FOR RELIEF FROM THE AUTOMATIC STAY AND ENTRY OF ORDER  
WAIVING THE PROVISION OF FRBP 4001(A)(3)**

NOW COMES CIT Bank, N.A., by and through its attorneys, Trott Law, P.C., and shows unto this Honorable Court as follows:

1. That Movant is a holder of a Reverse Mortgage on property owned by the Debtor(s) and located at 6819 Covert St, Detroit, MI 48212-2013 (see attached copy of loan document(s));
2. That the Debtor(s) filed Chapter 13 Bankruptcy on February 2, 2016;
3. That the case was confirmed and an Order Confirming Plan was entered with this Court on June 17, 2016;
4. That pursuant to 11 U.S.C. § 362(d)(1), upon request of a party in interest, the court shall grant relief from stay for cause, including lack of adequate protection of such party in interest;
5. That pursuant to the terms of the mortgage and the note, no monthly payments are due to Creditor until the mortgage matures, either by default or the agreed upon repayment date;
6. That pursuant to the mortgage terms, the loan will "mature" should the borrowers fail to maintain the real property taxes on the subject property
7. That the debtor failed to pay the 2015-2016 real property taxes on the subject property, to City of Detroit Treasurer and Wayne County Treasurer;
8. That Movant has advanced funds for the 2015 real property taxes on the subject property to Wayne County Treasurer in the amount of \$86.04;
9. That Movant has advanced funds for the 2016 real property taxes on the subject property to City of Detroit Treasurer in the amount of \$880.91;

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10. That the Reverse Mortgage matured pursuant to the terms of the contract executed March 21, 2001, and therefore, the entire balance of the loan is currently due and owing to Creditors;

11. That the approximate market value of the subject property is \$25,000.00;

12. Trott Law, P.C. has been informed by Movant that the amount due and owing, is approximately \$77,847.34, which includes Movant's Attorney fees and costs for filing this motion;

13. That Wayne County Treasurer, Secretary of Housing and Urban Development and Banc One Financial Services, Inc may have an interest in the subject property to the knowledge and belief of Movant;

14. That no other creditor will receive any benefit from the sale of the subject property;

15. Movant requests termination of the automatic stay of 11 U.S.C. § 362(a) to allow Movant (and any successors or assigns) to proceed under applicable non-bankruptcy law to enforce its remedies to foreclose upon and/or obtain possession of the property.

16. That in the event the automatic stay is terminated to allow Creditor to commence or continue its federal and/or state law rights as to the property, and Creditor deems the property is physically abandoned by the debtor(s)/homeowner(s), or by consent of the debtor(s)/homeowner(s), Creditor may also seek to shorten the Michigan post foreclosure statutory redemption period. A Chapter 7 Trustee may have the same rights and defenses as the Debtor(s) should Creditor seek to shorten the redemption period.

17. Upon termination of the automatic stay, the provisions of FRBP 3002.1 shall no longer apply with respect to the property.

18. The Movant and/or its successors and assigns further seeks relief in order to, at its option, offer, provide and enter into any potential forbearance agreement, loan modification, refinance agreement, deed in lieu of foreclosure/short sale, or other loss mitigation solution. The Movant may contact the Debtor via telephone or written correspondence to offer such an agreement. Any such agreement shall be non-recourse unless included in a reaffirmation agreement.

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19. That pursuant to Local Bankruptcy Rule 9014-1(b)(1), attached is a copy of the proposed ORDER GRANTING RELIEF FROM THE AUTOMATIC STAY AND WAIVING THE PROVISION OF FRBP 4001(a)(3) labeled as Exhibit "1";

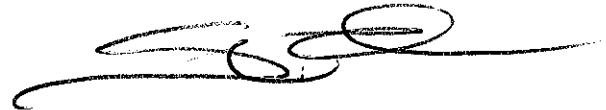
20. That in the event a hearing on this motion is held and after said hearing the Court orders submission of an order in substantial compliance with Exhibit 1, presentment of said order shall be waived;

21. Concurrence from debtor's attorney was sought by movant's attorney's office on October 20, 2016 and concurrence was not able to be obtained from all parties.

WHEREFORE, Movant respectfully requests that the Court enter an ORDER GRANTING RELIEF FROM THE AUTOMATIC STAY AND WAIVING THE PROVISION OF FRBP 4001(a)(3) for good cause shown pursuant to 11 U.S.C. §362(d)(1) and/or (d)(2), and that the Order is effective immediately upon entry by this Court notwithstanding the provision of FRBP 4001(a)(3); and whatever other relief the Court deems just and equitable.

Respectfully Submitted,  
Trott Law, P.C.

Dated: October 21, 2016



~~/S/ Crystal Price Buckley (P69921)~~  
~~/S/ Athena Atlas (P61824)~~  
/S/ Shawn C. Drummond (P58471)  
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Trott #457295B03

EXHIBIT 1

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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In re:  
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Debtor.

Chapter 13 No. 16-41277

Hon. Phillip J. Shefferly

**ORDER GRANTING RELIEF FROM THE AUTOMATIC STAY AND WAIVING THE PROVISION  
OF FRBP 4001(a)(3)**

CIT Bank, N.A., by and through its attorneys, Trott Law, P.C., having filed a Motion For Relief From The Automatic Stay with respect to the property located at 6819 Covert St, Detroit, MI 48212-2013; and the approximate market value of the property is \$25,000.00; and the current debt owing is approximately \$77,847.34, which includes Movant's Attorney fees and costs for filing this Motion; and any surplus on the sale of this property shall be distributed pursuant to applicable state law and procedures; and any deficiency on the sale of this property shall be treated as an unsecured debt; and the Court being in receipt of the Motion, and the Court being fully advised in the premises:

IT IS HEREBY ORDERED that the Automatic Stay is hereby terminated as to Movant with respect to the property located at 6819 Covert St, Detroit, MI 48212-2013 to allow Creditor to commence or continue its federal and/or state law rights to the property. In the event Creditor deems the property is physically abandoned by the debtor(s)/homeowner(s), or by consent of the debtor(s)/homeowner(s), Creditor may also seek to shorten the Michigan post foreclosure statutory redemption period. A Chapter 7 Trustee may have the same rights and defenses as Debtor(s) should Creditor seek to shorten the redemption period. Movant and/or its successors and assigns may, at its option, offer, provide and enter into a potential forbearance agreement, loan modification, refinance agreement, deed in lieu of foreclosure/short sale or other loss mitigation solution. The Movant may contact the Debtor via telephone or written correspondence to offer such an agreement. Any such agreement shall be non-recourse unless included in a reaffirmation agreement. This Order is effective immediately upon entry by this Court notwithstanding the provision of FRBP 4001(a)(3).

IT IS FURTHER ORDERED that upon termination of the automatic stay, the provisions of F.R.Bankr.P. 3002.1 shall no longer apply with respect to the property. This Order shall be binding and effective despite any conversion of this bankruptcy case to a case under any other chapter of Title 11 of the United States Bankruptcy Code.